



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,634	12/27/2001	Aroon Raman	60556-303620	8671

7590 03/29/2005

DANIEL B. SCHEIN, PH.D.,ESQ.
BRINKS HOFER GILSON & LIONE
P.O. BOX 28403
SAN JOSE, CA 95159

EXAMINER

LEVY, NEIL S

ART UNIT	PAPER NUMBER
----------	--------------

1616

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/019,634

Applicant(s)

RAMAN ET AL.

Examiner

Neil Levy

Art Unit

1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 26-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21, 26-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 5, 6, 8-10, 20, 26-28, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eisner et al 5447713.

The rejection of record, is maintained, in essence, A Board (col.2, lines 25, 26) strip of wood fibers (fig.2) provides the instant mosquito coil (claim 1) of the instant density and (col.2, lines 17, 18) thickness. The instant claims permit, in comprising guise, the non-critical size of the greater range, even though flexible (col.2, lines 9-26) with adhesives-binders-of Eisner. Promoters are at col.1, lines 54-58, cutting at col.3, lines 34-37. Dye is at col.2, line 57. No patentable weight is given to the process of making the composition claimed.

Applicant does not claim the argued for distinguishing features of Eisner's board versus applicants. Eisner shows (col.1, lines 13-20) paper waste fibers and wood fibers to be equivalent.

Claims 1-21, 26-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eisner et al 5447713 in view of Waples-2224622 and Bordenca et al 3767785 and further in view of Kuan-GB 2139498.

Eisner makes the instant paper board combustible strips with toxicant advantageously sprayed on, rather than formed during board preparation (col.1, lines 56-58). Eisner shows boards are known to be made from wood-fiber, fibrous waste, cotton waste, waste paper (col.1, lines 13-22), but of higher density and low flexibility, with toxicants distributed throughout the devices.

Waples also makes the instant devices, adds charcoal as the instant promoter, and specifies either wood pulp or paper pulp as the fiber component. Perfume/toxicant is the tar (col.2 of page 1, lines 20-29). Waples shows the amount of added charcoal determines burning time, neither Eisner or Waples specify the claimed ~~felt~~ fibers from solution, but both provide pressed fiber boards, Eisner showing advantageous toxicant coating, with boards made of wood or equivalently paper pulp fibers.

Bordenca also makes insect repellent boards, and teaches toxicant applicable either into or onto the paper board, or, Bordenca's stated web device (col.4, lines 28-49). Webs are defined as matted fibers –paper and cardboard, and can comprise a wide range of materials, including wood (col.2, lines 18-29).

Kuan shows backing ~~is~~^e known (p.1, lines 36-54).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made, desiring to utilize mosquito repellent, to use that of Eisner, modified as desired by consideration of material availability and cost, as shown by Bordenca, and by Waples, showing advantageous use of charcoal as promoter.

Applicant has not provided any objective evidence of criticality, nonobvious or unexpected results that the combination of the particular ingredients' or concentrations provides any greater or different level of prior art expectation as claimed. The amounts, forms and proportions of each ingredient are result effective parameters chosen to obtain the desired effects. It would be obvious to vary the form of each ingredient to optimize the effect desired, depending upon the particular species and application method of interest, reduction of toxicity, enhanced, and prolonged, or synergistic effects,

and the use of ingredients for the functionality for which they are known to be used is not basis for patentability.

The instant invention provides well known old art recognized compounds, with well known art recognized effects, applied by well known art recognized methods to achieve control over pests.

Applicant's arguments filed 9/6/04 have been fully considered but they are not persuasive. Applicants' argument are not persuasive, to extent rejections are maintained and expanded, in that the language as claimed permits of a wide interpretation of paper board. Applicants distinctions are not claimed; the paper board from ~~felt~~ fibers from solution has not been critically presented as far as examiner can determine, to provide applicants' paper board as different from boards pressed, extruded, webb formed or melded, in the presence of water, as shown in the prior art.

Bordenca is cited to show the paperboard processing; combustion is evident when this processing is accompanied with inclusion of Eisner's or Waples promotes. Applicants process claims 11 and 21 are not combustible.

Claims drawn to an independent claim encompassing the substantive material of all of claims 1+5+8+9+10+29 through 33 are neither anticipated ~~obvious~~ obvious over the prior art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil Levy whose telephone number is 571-272-0619. The examiner can normally be reached on Tuesday- Friday 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz can be reached on 571-272-0887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Levy/tgd

March 21, 2005



NEIL S. LEVY
PRIMARY EXAMINER